

LAHIVE
&
COCKFIELD
LLP

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
JEANNE M. DIGIORGIO
DEBRA J. MILASINIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER

CYNTHIA L. KANIK, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
RICHANAND
MICHAEL PHILLIPPS
LISA M. DIROCCO
HATHAWAY P. RUSSELL
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
PETER A. DIMATTIA
VINCENT P. LOCCISANO
MERIDETH C. ARNOLD

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.
DANIEL B. KO

TECHNICAL SPECIALISTS
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
EUIHOON LEE
JENNIFER K. ROSENFELD
ALLAN TAMESHTIT, Ph.D.
CATHERINE E. McPHERSON
ERIC F. WAGNER, Ph.D.
SHAHID HASAN, Ph.D.
JACOB G. WEINTRAUB
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.

* Admitted in NY only
** Admitted in TX only

RECEIVED

AUG 16 2002

TECH CENTER 1600/2900

COPY OF PAPERS
ORIGINALLY FILED

Re: CPA of U.S. Patent Application No.: 09/241,347
Title: *Animals Transgenic For A Tetracycline-Regulated
Transcriptional Inhibitor*
Inventors: Hermann Bujard and Manfred Gossen
Filed: February 2, 1999
Our Ref. No.: BBI-009C4CNCIPA

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Preliminary Amendment and Response, including Appendices A-E (60 pgs.); and
2. A pre-paid, acknowledgment postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond.

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Washington, D.C. 20231, on the date set forth below.

August 8, 2002

Date

Guilio A. DeConti, Esq., Reg. No. 31,503

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Guilio A. DeConti, Esq.
Registration No. 31,503
Attorney for Applicants



RECEIVED

AUG 16 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/290

In re the application of: Hermann Bujard and
Manfred Gossen

Serial No.: CPA of 09/241,347

Filed: February 2, 1999

For: Animals Transgenic for a Tetracycline-
Regulated Transcriptional Inhibitor

Attorney Docket No.: BBI-009C4CNCPA

Group Art Unit: 1632

Examiner: R. Shukla

COPY OF PAPERS
ORIGINALLY FILED

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

August 8, 2002

Date of Signature and of Mail Deposit

By:

Giulio A. DeConti, Jr., Esq.

PRELIMINARY AMENDMENT AND RESPONSE

Dear Sir:

This Preliminary Amendment and Response is responsive to the Office Action dated September 13, 2001 (Paper No. 10) issued in the parent application. A separate petition for an appropriate extension of time was filed with a Request for Continued Prosecution Application on July 15, 2002. Prior to examination, please amend the above-identified application as follows.

In the claims:

Please amend claims 18, 19, and 21, as follows (for the convenience of the Examiner, all of the claims, whether or not amended, are presented below):